

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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William Walsh,

Plaintiff,

v.

LTD Financial Services L.P.,

Defendant.

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U.S. DISTRICT COURT

2012 OCT 31 PM 3:13

S.D. OF N.Y.

Civil Action No.:

12-cv-08010

**COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

JUDGE KARAS

Plaintiff William Walsh ("Plaintiff" or "Walsh"), by and through its attorneys,  
FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for its Complaint against  
the Defendant LTD Financial Services LP ("Defendant" or "LTD"), respectfully sets forth,  
complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from  
the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code,  
commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of NY, County of Rockland, residing at 39 Sand Street,  
Garnerville, NY 10923.

3. Defendant is a collection firm with a principal place of business at 7322 SOUTHWEST FWY, Houston, TX 77074, and, upon information and belief, is authorized to do business in the State of NY.

4. LTD is a “debt collector” as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. In or around August 2012, the Defendant placed a telephone call to the Plaintiff.

10. In or around August 2012, the Plaintiff’s daughter-in-law saw a missed call and returned it. Defendant stated it was a collection agency, looking for Plaintiff (See transcript, attached hereto as “Exhibit A”).

11. Said communication contained personal and confidential information.

12. Said communication was an attempt to collect a debt, and was had between Defendant and Plaintiff's daughter-in-law, Renee Walsh.

13. The actions of Defendant led to embarrassment, harassment, and disclosure of confidential information to a third party.

14. Said actions by Defendant violated 15 U.S.C. Sec. 1692b(2) and 15 U.S.C. Sec. 1692c(b) which prohibit communicating with anyone except consumer and communicating to a third party, and stating that a consumer owes a debt.

15. As a result of Defendant's deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

### **FIRST CAUSE OF ACTION**

#### **(Violations of the FDCPA)**

16. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "15" herein with the same force and effect as if the same were set forth at length herein.

17. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. Sec. 1692b(2) and 15 U.S.C. Sec. 1692c(b).

18. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint to which the Plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff William Walsh demands judgment against the Defendant LTD Financial Services, LP as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
October 22, 2012

Respectfully submitted,

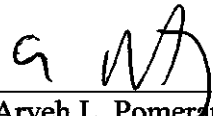
By:   
Aryeh L. Pomerantz, Esq.  
FREDRICK SCHULMAN & ASSOCIATES  
30 East 29<sup>TH</sup> Street  
New York, New York 10016  
(212) 796-6053  
[aryeh@fschulmanlaw.com](mailto:aryeh@fschulmanlaw.com)  
Attorneys for Plaintiff

Exhibit A - transcript

Thank you for calling LTD Financial Services. We are a collection agency and this is an attempt to collect a debt. Your call maybe monitored or recorded. If you know your parties extension you may dial it know. If you don't know your parties extension please dial zero. Please wait.

Collector: Thank you for calling LTD Financial Services this call maybe monitored or recorded this is Monica how may I direct your call?

Caller: Yes hi I just received a missed call from you.

Collector: Ok may I have the telephone number that we called?

Caller: Sure that's 845-205-9001

Collector: And the person that called you is at extension 2961 please hold.

[Ringing]

Collector: Thank you for calling LTD this is Patricia. Calls maybe monitored or recorded. Can you please hold? [Pause] Hello?

Caller: Yea?

Collector: Can you please hold?

Caller: Ok.

Collector: Thank you.

[Pause]

Collector: Good morning LTD this is Mrs. Johnson how may I help you?

Caller: Yea hi somebody just called me from this number.

Collector: And your name?

Caller: why what is this?

Collector: Ok this is LTD Financial we're trying to get in touch with William Walsh.

Caller: Oh he's not available can I take a message and I'll have him call you?

Collector: Sure and am I speaking with his wife by any chance?

Caller: No it's not.

Collector: Ok. Yes ma'am let me go ahead and leave a number.

Caller: Ok what is it?

Collector: We'll you have the number you called in on its 1-800

Caller: Oh it's that number ok I'll have him call you.

Collector: Ok just have him call us back as quickly and possible.

Caller: No problem.

Collector: Thank you.